

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
TODD BROWN, :
 :
 : Plaintiff, :
 : :10-CV-
 : against :4675
 : (ERK) (LB)
 :
 NEW YORK CITY, POLICE OFFICER CALDERON, :
 POLICE OFFICER BRENTON COLE, POLICE :
 OFFICER PETER RUBIN, Individually, and :
 as Members of the New York City Police :
 Department, :
 :
 : Defendants, :
 :
 - - - - -X

DEPOSITION OF PETER RUBIN

New York, New York

Thursday, May 12, 2011

Reporter by:

Joseph V. Connolly

Job No.

1

2

3

4

5

6

7

8

May 12, 2011

9

10:24 a.m.

10

11

DEPOSITION OF PETER RUBIN held at the Law
Offices of the Peterson & Delle Cave, 233
Broadway, 18th Floor, New York, New York,
before Joseph V. Connolly, a Reporter and
Notary Public within and for the State of
New York.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 A P P E A R A N C E S :

3

4

5 PETERSON & DELLE CAVE, LLP
6 Attorneys for Plaintiff
7 233 Broadway - Suite 1800
8 New York, New York
9 BY: DUNCAN PETERSON, ESQ.

8

9 OFFICE OF THE CORPORATION COUNSEL
10 Special Federal Litigation Division
11 Attorneys for Defendants
12 100 Church Street
13 New York, New York
14 BY: BRIAN FRANCOLLA, ESQ. &
15 NOREEN STACKHOUSE, ESQ.

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P. RUBIN - 5/12/11

2 A. Right. Okay.

3 Q. Am I right?

4 A. Yes.

5 Q. I know that you stated already
6 that you didn't ask Mr. Brown to remove all
7 of his clothes. I'm just asking you this
8 question.

9 Did you tell Mr. Brown that
10 everyone has to go through this with regards
11 to a strip search?

12 MR. FRANCOLLA: Objection.

13 A. No. If I said that, it was in
14 regards to removing the belt and shoe laces
15 because a lot of people don't want to do
16 that.

17 Q. Okay.

18 A. They claim that we steal the
19 belt; they didn't get their laces back last
20 time; I'm not giving you them. I'm not going
21 to kill myself, don't take my laces; don't
22 take my belt.

23 Q. And are you aware -- if you
24 arrested someone and they are sent down to
25 Central Booking from the precinct and it's

1 P. RUBIN - 5/12/11

2 discovered that that arrestee has contraband
3 on them, like a gun or a quantity of drugs,
4 something like that, what are the
5 repercussions for yourself?

6 MR. FRANCOLLA: Objection.

7 A. None. It happens all the time.

8 Q. Okay. You said, "it happens all
9 the time"?

10 A. I've transported people and
11 smelled marijuana down there. So, people get
12 through all the time --

13 Q. And if --

14 A. -- with contraband.

15 Q. You've smelled marijuana?

16 A. At Central Booking personally.

17 Q. Not on someone you've arrested?

18 A. No. I mean, it could have been
19 somebody, maybe, the day before I arrested
20 somebody that's in Central Booking and I'm
21 doing the transport. But I've been down
22 there and I've heard the officers, "Hey, put
23 it out," or, you know, "No one is going to
24 get -- you know, it's going to delay
25 everyone's process," whatever.

1 P. RUBIN - 5/12/11

2 Q. Do police officers suffer any
3 form of punishment, such as docked pay, when
4 someone they've arrested goes to Central
5 Booking and it's discovered they have
6 contraband?

7 MR. FRANCOLLA: Objection.

8 A. "Docked pay"?

9 Q. Docked pay.

10 A. No.

11 Q. Lose vacation days?

12 A. No.

13 Q. Lose any form of privilege?

14 A. No, not that I'm aware of.

15 Q. Okay. And you mentioned smelling
16 marijuana --

17 A. Yes.

18 Q. -- on individuals whom you've
19 apprehended?

20 A. No, somebody was smoking when I
21 was down there once, yes.

22 Q. Okay. Have you, when you've
23 arrested individuals before, have you ever
24 smelled marijuana on these individuals?

25 MR. FRANCOLLA: Objection.